August 29, 2001

COUNSEL:

Enclosed please find a Scheduling Conference/Litigation Plan Form for the Telephone Scheduling Conference set before Judge Winmill. Listed below are instructions that counsel shall follow:

- **Plaintiff's counsel is directed to contact all counsel by telephone and select a proposed trial date, complete the Litigation Plan filling in all selections with specific dates. Local Rule 16.1. Counsel shall not file a proposed Plan without making a concerted effort to file a <u>Stipulated Plan</u>.**

- **Plaintiff's counsel shall contact all counsel/parties not listed on the Court's Certificate of Mailing and send a copy of this Notice and Litigation Plan.**

- **If an agreement absolutely cannot be reached on the Litigation Plan, each party shall then file its own Plan, indicating the areas of disagreement.**

- **The Stipulated Litigation Plan SHALL be filed with the Court at least SEVEN (7) days before the Scheduling Conference.**

- **Counsel shall not fax the Litigation Plan to the Court unless you use the Court's fax filing service.**

- **Judge Winmill requires Counsel to discuss the merits of mediation, or other alternative dispute resolution options with their clients and each other, <u>prior</u> to the Telephone Scheduling Conference.**

 For information on mediation or other types of ADR, contact <u>Denise Asper</u> the Federal Court Mediation Program Administrator at (208) 334-9067.

If I can be of assistance, please feel free to call me at (208) 334-9021.

Sincerely,

LaDonna Garcia
Deputy Clerk

LITIGATION PLAN

CASE NO. _____ NATURE OF SUIT: _____

CASE NAME:_____

ASSIGNED JUDGE:___**B. LYNN WINMILL**_____
PARTY SUBMITTING PLAN:
    [ ] Plan **has been** stipulated to by all parties.
    [ ] Plan **has not been** stipulated to, but is submitted by:

        ATTORNEY: _____

        REPRESENTING: _____

        TELEPHONE:_____

1.   **TRIAL DATE**: _____
     (Select a trial date from the Court's available trial dates listed on next page.)

2.   **TRIAL TRACK**: Indicate the track that best fits your case. Designation of a track is not binding but will assist the Court in assessing its workload and selecting a trial date and discovery schedule that meets counsel's needs.

    [ ]   **Expedited Track** - Cases on this track will get a trial date in 6 to 9 months; take 4 days or less to try; and involve limited discovery.
    [ ]   **Standard Track** - Cases on this track will get a trial date in 12 months; and take about 5-10 days to try.
    [ ]   **Complex Track** - Cases on this track will get a trial date in 12-18 months; take 10 days or more to try; involve extensive discovery with staggered discovery schedules; and have extensive expert testimony.
    [ ]   **Legal Track** - Cases that involve legal issues not likely to be resolved by motion rather than trial. A motion hearing will be set, but no trial date will be set until it is clear that the case cannot be resolved by motion.

3.   **ESTIMATED LENGTH OF TRIAL**:_____

   Jury demanded? _____ Jury demanded by which party? _____

4.   **PRETRIAL CONFERENCE DATE**: _____ (To be set by the Court) _____

5.   **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE**:

    _____ (No more than 3 months following the Scheduling Conference.)

6.   **DISPOSITIVE MOTIONS FILING CUT-OFF DATE**:_____
    _____(30 days after disclosure of rebuttal experts.)

7.   DISCOVERY CUT-OFF DATE:_____
(At least 60 days prior to trial, but counsel may agree to close discovery prior to
dispositive motion cut-off.)

8.   EXPERT TESTIMONY DISCLOSURES: Local Rule 26.2(b)

Plaintiff identify and disclose expert witnesses by: _____
(120 days prior to scheduled trial date.)

Defendant identify and disclose experts by: _____
(1 month after Plaintiff's disclosure.)

Disclosure of rebuttal experts by: _____
(2 weeks after Defendant's disclosure.)

9.   DISCOVERY PLAN PROPOSED. Fed R Civ P 26(f):_____

_____

_____

_____

10.   ADR CONFERENCE: _____ (To be set by the Court)_____
_____The ADR Conference will be set 4-6 months after the Scheduling
Conference. At the ADR Conference, Counsel and their clients will be required to
appear in person before the Court to discuss the appropriateness of scheduling this
matter for mediation, a judicially-supervised settlement conference, or some other form
of ADR. The ADR Conference will be vacated if Counsel file with the Court a
stipulated ADR plan at least 10 days before the Conference.

AVAILABLE TRIAL DATES:

2002   2003   2004